

school for children to be a necessity for reclaiming incorrigibles, endorse the bill providing for such an institution, as prepared by joint committees from the County Judges and Commissioners' Association of Texas and the Texas Federation of Women's Clubs, and hereby request our legislators to give the bill their immediate support.

Numerously signed.

Hon. C. C. Stokes, Austin, Texas:

We, as citizens of your senatorial district and home county of Houston, beg this leave of entering protest against certain bills now pending before the Legislature, viz.: House bills Nos. 93 and 97 and Senate bills Nos. 19 and 9. We consider the passage of these would be detrimental to our common good, and Senate bill No. 9, in our estimation, is nothing short of "class legislation," and we feel no delicacy in asking that you vote against this measure. We understand it proposes levying a \$1200 annual tax on one of our most needed conveniences, "the itinerant medicine vender." If you would sanction and comply with the will of the people you will vote and use your utmost influence against the above-named measures.

Numerously signed.

By Senator Terrell:

Senator J. M. Terrell. Austin, Texas:

We, the undersigned citizens of your district, have been accustomed to have our family medicines delivered to our homes by salesmen who call on us from time to time during the year, this being quite a convenience to us, and we respectfully desire that you consider this for us when you take under consideration the bill now before the Legislature placing a prohibitive tax on this method of selling drugs, and known as the drug venders' bill.

Numerously signed.

By Senator Senter:

To the Legislature of the State of Texas:

We, the undersigned citizens, farmers and customers of the traveling medicine men in Dallas county, Texas, hereby protest against any bill that would have the effect to prohibit their business, for we are well pleased with their plan of selling direct to us, and do not want them to be put out of business. They treat us fair, sell us the best of goods and save us money on our purchases. We think a \$75 per year occupation tax

is enough and it should be applied to the county road and bridge fund, and we are opposed to an excessive tax or a pharmacist's license law for them, as being unfair and unnecessary.

Numerously signed.

By Senator Alexander:

Petition to the Texas Legislature from the citizens of Polytechnic Heights, Fort Worth, Texas:

Whereas, The present statute of the State seems defective and does not meet the demands of good society, touching the great evil of race track gambling as now committed at the Dallas Fair and other places where "race meets" are held; and

Whereas, Under the present laws this crime is fostered in our State and offers an inducement to the professional gambler, expelled from other States, to come to Texas and thereby prey upon the innocent and educate our young men and youths to crime, we, the undersigned citizens hereby petition the ensuing Legislature to so amend the present laws as to make no exceptions whatsoever to the law forbidding gambling.

Numerously signed.

TWENTY-SIXTH DAY.

Senate Chamber,

Austin, Texas,

Tuesday, February 16, 1909.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

Roll call, quorum present, the following Senators answering to their names:

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Veale.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.
Murray.	

Absent.

Harper.

Thomas.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of

yesterday, on motion of Senator Cofer, the same was dispensed with.

ADDITION TO STANDING COMMITTEE.

The Chair (Lieutenant Governor Davidson) authorizes the appointment of Senator Holsey as an addition to the standing committee on State Affairs.

BILLS AND RESOLUTIONS.

By Senator Perkins:

Senate bill No. 225, A bill to be entitled "An Act to establish a school of agriculture for the instruction of white male children in the science of agriculture and horticulture, and the natural sciences connected therewith, and in civil engineering and other scientific and classical studies relating to practical education in the pursuits of agriculture and horticulture to be known as the North Texas Agricultural College; providing for appointment of a board of commissioners by the Governor, and defining their duties; providing for the appointment of a local board of directors by and under the direction of the Board of Directors of the Agricultural and Mechanical College; providing that said North Texas Agricultural College shall be a branch of the Agricultural and Mechanical College; authorizing the acceptance by said board of directors in trust for said school any donations of money or lands for the benefit and use of said school, and defining the duties of said directors; making an appropriation for the purposes of this act; fixing the location of said college in the county of Collin, State of Texas, and declaring an emergency."

Read first time, and referred to Committee on Educational Affairs.

By Senator Terrell of McLennan:

Senate bill No. 226, A bill to be entitled "An Act to create a more efficient road system for McLennan county, Texas."

Read first time, and referred to Committee on Roads, Bridges and Ferries.

Morning call concluded.

SIMPLE RESOLUTION.

The Chair laid before the Senate, as special order for this hour, the following simple resolution:

By Senator Hume:

Resolved by the Senate, That the fol-

lowing resolution by the Board of Regents of the University of Texas be approved:

"At a regular meeting of the Board of Regents of the University of Texas, held at Austin, January 19, 1909, the following minute was unanimously adopted:

"Perceiving the far-reaching service of the Carnegie foundation for the advancement of teaching in increasing the dignity of the teacher's office, in protecting the old age of unselfish public servants and assuring them that their wives will be provided for even after their death, and in increasing the efficiency and promoting education the Regents of the University of Texas make application for the admission of the University of Texas into all the rights and privileges of this foundation for the advancement of teaching."

TIME FOR EXECUTIVE SESSION POSTPONED.

The time, 11 o'clock a. m., for executive session having arrived, the Chair so announced, and

On motion of Senator Sturgeon, the time for holding said session was postponed until 11:15 o'clock by a unanimous vote.

SIMPLE RESOLUTION.

Action recurred on the simple resolution by Senator Hume.

Senator Sturgeon moved the previous question on the resolution, which motion being duly seconded was so ordered.

The resolution was then adopted by the following vote:

Yeas—20.

Adams.	Paulus.
Alexander.	Peeler.
Cofer.	Perkins.
Hayter.	Real.
Hudspeth.	Senter.
Hume.	Sturgeon.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.

Nays—6.

Brachfield.	Holsey.
Bryan.	Terrell of Bowie.
Greer.	Veale.

Absent.

Harper.	Murray.
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Stokes. Thomas.
Terrell of McLennan.

Senator Alexander moved to reconsider the vote by which the resolution was adopted, and lay that motion on the table.

The motion to table prevailed.

FIRST HOUSE MESSAGE.

Hall of the House of Representatives,
Austin, Texas, February 16, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: I am directed by the House to inform the Senate that the House has passed the following:

House Concurrent Resolution No. 4, Relating to sine die adjournment of the Regular Session of the Thirty-first Legislature.

Also returns Senate bill No. 35 with corrections.

Respectfully,
BOB BARKER,
Chief Clerk, House of Representatives.

RESOLUTION REFERRED.

The Chair had referred, after its caption had been read, the following resolution:

House Concurrent Resolution No. 4, Relating to sine die adjournment of the Regular Session of the Thirty-first Legislature.

Read and referred to Committee on Finance.

SENATE BILL NO. 41—MADE SPECIAL ORDER.

On motion of Senator Terrell of Bowie, the pending order of business (Senate bill No. 156) was suspended, and the Senate took up, out of its order, Senate bill No. 41, by the following vote:

Yeas—26.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Veale.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Murray.	Willacy.

Absent.

Harper. Stokes.
Hume. Thomas.
Meachum.

The Chair laid before the Senate, on second reading,

Senate bill No. 41, A bill to be entitled "An Act to amend Article 1194 of Chapter 4 of Title 30 of the Revised Civil Statutes of the State of Texas, and providing for an emergency."

There being a majority favorable committee report, with amendments, and a minority adverse committee report,

Senator Terrell of Bowie moved the adoption of the majority committee report, and

Senator Cofer moved, as a substitute, the adoption of the minority committee report.

EXECUTIVE SESSION.

The Chair (Lieutenant Governor Davidson) here announced that the hour, 11:15 o'clock a. m., had arrived, which time had been previously designated for the Senate to go into executive session to consider appointments sent to the Senate on yesterday. The Senate Chamber was ordered cleared of all not entitled to remain.

IN EXECUTIVE SESSION.

In executive session the following confirmations were had, as reported to the Journal Clerk by the Secretary of the Senate:

D. B. Hill of Dallam county, to be judge of the Sixty-ninth Judicial District of Texas.

J. C. O'Bryan of Hartley county, to be district attorney of the Sixty-ninth Judicial District of Texas.

J. B. Robertson of Travis county, as a member of the Board of Managers of the Lunatic Asylum at Austin.

J. J. Davis of Travis county as a member of the Board of Managers of the Confederate Home at Austin.

Dr. R. H. McLeod of Anderson county, as a member of the Board of Medical Examiners.

IN THE SENATE.

SENATE BILL NO. 41 MADE SPECIAL ORDER.

Action here recurred on Senate bill No. 41, the question being on the substi-

tute motion by Senator Cofer to adopt the minority committee report.

(Senator Brachfield in the chair.)

The substitute motion was lost.

The motion by Senator Terrell of Bowie, to adopt the majority report was adopted.

(Lieutenant Governor Davidson in the chair.)

The bill was read, and Senator Terrell of Bowie offered the following amendment:

Amend the bill as amended by the adoption of the committee report by striking out all of Section 14 after the word "reside," in line 2 on page 3, and insert in lieu thereof the following: "Provided that when any defendant is in actual possession of any lands either in person or by tenant such suit shall be brought in any county where such land or a portion thereof is located."

Pending discussion, Senator Terrell of Bowie moved that the bill be made special order for tomorrow morning after the morning call.

The motion prevailed.

Senator Terrell of Bowie then moved that those Senators who so desired, be allowed to send up proposed amendments to the bill, and that same be printed in the Journal.

The motion prevailed.

Following are the proposed amendments:

By Senator Masterson:

Amend the bill by adding at the end of Section 14, page 3, the following: "Provided, that where such suit is brought in any county other than where the land or a part thereof, is situated, a certified copy of the original petition shall be filed by the plaintiff with the county clerk of the county where the land or a part thereof is situated, and same shall be recorded by said clerk in the deed records of said county, and said clerk shall receive as compensation for such service the same fees as in case of recording deeds, such fee to be paid by the plaintiff filing said copy for record.

MASTERTON,
ALEXANDER.

SENATE BILL NO. 146 MADE SPECIAL ORDER.

Senator Senter moved that the pending order of business (Senate bill No. 156) be suspended, and the Senate take up, out of its order, Senate bill No. 146.

Senator Sturgeon moved as a substitute, that the pending order of business (Senate bill No. 156) be suspended, and the Senate take up, out of its order, House bill No. 69.

Question being on the substitute motion first, the same was lost by the following vote:

Yeas—12.

Adams.	Mayfield.
Alexander.	Paulus.
Brachfield.	Sturgeon.
Cofer.	Terrell of McLennan.
Greer.	Veale.
Hayter.	Willacy.

Nays—13.

Bryan.	Real.
Holsey.	Senter.
Hudspeth.	Terrell of Bowie.
Masterson.	Ward.
Murray.	Watson.
Peeler.	Weinert.
Perkins.	

Present—Not Voting.

Hume.

Absent.

Harper.	Stokes.
Kellie.	Thomas.
Meachum.	

The motion by Senator Senter to suspend pending business and take up, out of its order, Senate bill No. 146 was then adopted by the following vote:

Yeas—27.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Veale.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.
Murray.	

Absent.

Harper.	Stokes.
Meachum.	Thomas.

The Chair laid before the Senate, on second reading,

Senate bill No. 146, A bill to be entitled "An act to establish and create in each of the cities of this State having a population of 25,000 inhabitants, a State court, to be known as the corporation

court in such city, and to prescribe the jurisdiction and organization thereof, and providing for the custody and care of prisoners doing punishment under judgments from said court."

Senator Senter moved that the bill be made a special order for tomorrow morning after the consideration of Senate bill No. 41.

The motion prevailed.

SENATE BILL NO. 187.

On motion of Senator Masterson, the pending order of business (Senate bill No. 156) was suspended, and the Senate took up, out of its order, Senate bill No. 187 by the following vote:

Yeas—26.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Sturgeon.
Hayter.	Terrell of Bowie.
Holsey.	Terrell of McLennan.
Hudspeth.	Veale.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.

Absent.

Harper.	Stokes.
Meachum.	Thomas.
Murray.	

The Chair laid before the Senate, on second reading,

Senate bill No. 187, A bill to be entitled "An Act to ratify, approve and confirm a certain contract of lease between county of Galveston of the first part, Gulf, Colorado & Santa Fe Railway Company; Galveston, Houston & Henderson Railroad Company; Galveston, Harrisburg & San Antonio Railway Company of the second part, and Galveston-Houston Electric Railway Company of the third part, relating to the causeway and a certain memoranda of agreement executed by Galveston county, Gulf, Colorado & Santa Fe Railway Company; Galveston, Houston & Henderson Railroad Company, and the Galveston, Harrisburg & San Antonio Railway Company, construing Articles 17 and 21 of said contract of lease, and to amend Section 8 of an act approved March 16, 1907, entitled 'An Act to authorize Galveston county to build and

own the combination roadway and bridge from mainland to Galveston Island across Galveston Bay, to connect, as part of the roadways of the county on the island and mainland, and the county to issue bonds for same on taxation; also, establish three-mile limit and condemnation proceedings, and providing for the right of way; also to authorize all corporations contracting for right of way upon or use of said structure; to issue and sell bonds therefor, under the regulation and authority of the Railroad Commission, and to lease and authorize corporations, and the city of Galveston to lease right of easement of user of portion of said structure from such county on terms provided by this act and agreed on with the county commissioners court,' with an emergency clause."

The committee report, which provided that the bill be not printed, was adopted on motion of Senator Masterson.

Bill read second time, and ordered engrossed.

On motion of Senator Masterson the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—27.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Veale.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.
Murray.	

Absent.

Harper.	Terrell of McLennan.
Meachum.	Thomas.

The bill was read third time, and passed by the following vote:

Yeas—28.

Adams.	Hudspeth.
Alexander.	Hume.
Brachfield.	Kellie.
Bryan.	Masterson.
Cofer.	Mayfield.
Greer.	Meachum.
Hayter.	Murray.
Holsey.	Paulus.

Peeler.	Terrell of Bowie.
Perkins.	Veale.
Real.	Ward.
Senter.	Watson.
Stokes.	Weinert.
Sturgeon.	Willacy.

Absent.

Harper.	Thomas.
Terrell of McLennan.	

Senator Masterson moved to reconsider the vote by which the bill was passed, and lay that motion on the table. The motion to table prevailed.

SIMPLE RESOLUTION.

By Senator Paulus:

Resolved, That commencing next Tuesday, February 23, there shall be held sessions of the Senate from 3 to 5 o'clock p. m. each day, at which there shall be a call of the roll of the Senate until each Senator's name has been called once, and as each Senator's name is called he shall be permitted to call up any bill he sees fit.

Senator Terrell of Bowie moved that the resolution be referred to Committee on Rules.

The motion prevailed, and the resolution was so referred.

HOUSE BILL NO. 69.

On motion of Senator Sturgeon the pending order of business (Senate bill No. 156) was suspended, and the Senate took up, out of its order, House bill No. 69, by the following vote:

Yeas—28.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Veale.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.

Absent.

Harper.	Thomas.
Murray.	

The Chair laid before the Senate, on second reading,

House bill No. 69, A bill to be entitled "An act to levy an annual occupation tax on the business of selling or offering for sale an intoxicating liquor by soliciting orders therefor in any quantities whatever in any county, justice precinct, town, city or other subdivision of a county where the sale of intoxicating liquors shall be prohibited therein, also levying an annual occupation tax for the keeping, maintaining or operating of any 'cold storage' or any such place where intoxicating or non-intoxicating liquors or beverages are kept on deposit for others under any kind of bailment within the limits of any such local option territory, providing for the issuance of licenses and fixing the penalties for the violation of this act, and providing for injunction to prevent its violation, and declaring an emergency."

Senator Sturgeon moved that the bill be laid on the table subject to call.

The motion prevailed.

SENATE BILL NO. 196.

On motion of Senator Weinert, the pending order of business (Senate bill No. 156) was suspended, and the Senate took up, out of its order, Senate bill No. 196, by the following vote:

Yeas—28.

Adams.	Murray.
Alexander.	Paulus.
Brachfield.	Peeler.
Bryan.	Perkins.
Cofer.	Real.
Greer.	Senter.
Hayter.	Stokes.
Holsey.	Sturgeon.
Hudspeth.	Terrell of McLennan.
Hume.	Veale.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.

Absent.

Harper.	Thomas.
Terrell of Bowie.	

On motion of Senator Weinert, the Senate rule requiring committee reports to lie over for one day was suspended, for the purpose of considering this bill (see Appendix for committee report), by the following vote:

Yeas—28.

Adams.	Brachfield.
Alexander.	Bryan.

Cofer.	Peeler.
Greer.	Perkins.
Hayter.	Real.
Holsey.	Senter.
Hudspeth.	Stokes.
Hume.	Sturgeon.
Kellie.	Terrell of McLennan.
Masterson.	Veale.
Mayfield.	Ward.
Meachum.	Watson.
Murray.	Weinert.
Paulus.	Willacy.

Absent.

Harper.	Thomas.
Terrell of Bowie.	

The chair laid before the Senate, on second reading,

Senate bill No. 196, A bill to be entitled "An Act creating an independent school district in the county of Gonzales, State of Texas, to be known as the Nixon Independent School District, and to have all the powers, rights and duties of independent school districts formed by the incorporation of towns and villages for free school purposes only."

On motion of Senator Weinert, the committee report, which provided that the bill be not printed, was adopted.

Bill read second time, and ordered engrossed.

On motion of Senator Weinert, the constitutional rule requiring bills to be read on three several days was suspended, and the bill put on its third reading and final passage by the following vote:

Yeas—29.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Veale.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.
Murray.	

Absent.

Harper.	Thomas.
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The bill was read third time, and passed by the following vote:

Yeas—29.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Veale.
Kellie.	Ward.
Masterson.	Watson.
Mayfield.	Weinert.
Meachum.	Willacy.
Murray.	

Absent.

Harper.	Thomas.
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Senator Weinert moved to reconsider the vote by which the bill was passed, and lay that motion on the table.

The motion to table prevailed.

FREE CONFERENCE COMMITTEE REPORT ON SENATE BILL NO. 89—ADOPTION OF.

Senator Masterson offered the following Free Conference Committee report:

Austin, Texas, February 16, 1909.

Hon. A. B. Davidson, President of the Senate, and Hon. A. M. Kennedy, Speaker of the House.

Sirs: Your Free Conference Committee, to whom was referred

Senate bill No. 89, A bill to be entitled "An Act to amend Sections Nos. 2, 11, 12, 13, 16, 17, 22, 23, 29, 30, 35, 41 and 44 of Chapter 40 of the General Laws of the State of Texas passed at the Regular Session of the Thirtieth Legislature of Texas, entitled 'An Act to authorize the commissioners courts of the several districts of Texas to create and establish drainage districts,' etc.,

Have had the same under consideration, and beg leave to report as follows: We recommend that the House amendments to said bill be not passed, but that in lieu thereof the following amendments be passed:

(1)

Amend the bill by adding to Section 17 thereof the following: "Provided, that after the election establishing a drainage district if a majority of the real property taxpayers of such district residing in such county present a petition to the county commissioners court,

praying for an election in said district for the purpose of electing free drainage commissioners therefor, the county commissioners court shall immediately order an election to be held in said district for said purpose at the earliest legal time, and an election shall be held and the returns thereof made as hereinbefore provided for other elections, and the same qualifications hereinbefore provided for voting at other elections shall apply in said election. The commissioners court shall canvass said returns and declare the result at their next regular special session; and the three persons receiving the highest number of votes shall be declared elected. In the event the third highest vote be tied, the commissioners court shall elect the third drainage commissioner from among those receiving the third highest vote.

"Provided further, that in districts wherein drainage commissioners have been heretofore appointed whenever a majority of the real property taxpaying voters of such district shall file a petition with the county clerk of the county in which such district is situated requesting an election for drainage commissioners, the commissioners court shall at its next session, regular or special, order an election to be held in said district for said purpose in accordance with the provisions of this act.

"Such commissioners so elected when duly qualified as required by this act, shall be the legal and rightful drainage commissioners for such district within the full meaning, intent and purpose of this law. All drainage district commissioners elected as herein provided shall hold their offices until the next regular election for State and county officers, and shall then and thereafter be elected every two years at such general election."

(2)

Amend the caption of the bill by inserting between the words "bonds" and "fixing," in line 16, page 2, the following words: "Election of drainage district commissioners."

(3)

Amend the bill by striking out of lines Nos. 8, 9 and 10, page 23, the following words: "In the discretion of the drainage commissioners thereof."

(4)

Amend the bill by inserting after the word "State," in line 28, page 21, the

following words: "For the benefit of such drainage district."

Respectfully submitted,
MASTERSON,
WILLACY,
KELLIE,
HUME,
HUDSPETH,

On the part of the Senate.

MUNSON,
STANDIFER,
BROWN,
FITZHUGH,
CAVES,

On the part of the House.

The report was read and adopted, on motion of Senator Masterson, by the following vote:

Yeas—27.

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of McLennan.
Hudspeth.	Veale.
Hume.	Ward.
Kellie.	Watson.
Masterson.	Weinert.
Mayfield.	Willacy.
Meachum.	

Nays—1.

Murray.

Absent.

Harper.	Thomas.
Terrell of Bowie.	

HOUSE BILL NO. 276.

On motion of Senator Perkins, the pending order of business (Senate bill No. 156) was suspended, and the Senate took up, out of its order, House bill No. 276, by the following vote:

Yeas—25.

Adams.	Perkins.
Alexander.	Real.
Brachfield.	Senter.
Bryan.	Stokes.
Cofer.	Sturgeon.
Greer.	Terrell of Bowie.
Hayter.	Terrell of McLennan.
Holsey.	Veale.
Hudspeth.	Ward.
Hume.	Watson.
Mayfield.	Weinert.
Murray.	Willacy.
Peeler	

Absent.

Harper.	Meachum.
Kellie.	Paulus.
Wasterson.	Thomas.

The Chair laid before the Senate, on second reading,

House bill No. 276, A bill to be entitled "An Act to amend Subdivision 23, Article 5049, Chapter 1, Title 104 of the Revised Statutes of Texas, regulating the general occupation tax as amended by act of the Twenty-fifth Legislature, said amendment being Chapter 18 of the Acts of the Special Session of the Twenty-fifth Legislature, convened at the city of Austin, May 22, 1897, and adjourned June 20, 1897, being shown at page 49 of the General Laws of said Special Session."

Senator Peeler moved that further consideration of the bill be postponed until tomorrow morning at the conclusion of the morning call.

ADJOURNMENT.

Senator Terrell of McLennan moved that the Senate adjourn until tomorrow morning at 10 o'clock.

The motion prevailed.

APPENDIX.

COMMITTEE REPORTS.

(Floor Report.)

Austin, Texas, February 16, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on State Affairs, to whom was referred

Senate bill No. 201, A bill to be entitled "An Act to amend Articles 2941, 2942, 2943, 2945, 2946, 2949, 2950, 2951, 2952, 2963 of Title 54 of the Revised Statutes of the State of Texas, 1895, relating to the house of correction and reformatory, providing for a change of its name, providing for its control, management, support, maintenance and regulation; providing who shall be or become inmates, paroled or released; providing that juveniles convicted in juvenile courts be sent there; providing means of entrance for all incorrigible boys; repealing all laws in conflict herewith, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate, with the recommendation that it do pass.

Peeler, Chairman; Stokes, Cofer, Sturgeon, Alexander, Perkins, Bryan.

(Floor Report.)

Austin, Texas, February 16, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on State Affairs, to whom was referred

Senate bill No. 203, A bill to be entitled "An Act to amend Articles 1145 and 1146 of Title 17 of the Code of Criminal Procedure of the State of Texas as adopted in the Revised Statutes of 1895, relating to certain cases of persons under sixteen years of age convicted of a felony shall be confined in the State Institution for the Training of Juveniles; providing that this amendment shall not affect, modify or vitiate any judgment heretofore rendered confining any person to the house of correction or reformatory; repealing all laws in conflict herewith, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate, with the recommendation that it do pass.

Peeler, Chairman; Stokes, Cofer, Sturgeon, Alexander, Perkins, Bryan.

(Floor Report.)

Austin, Texas, February 16, 1909

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on State Affairs, to whom was referred

Senate bill No. 202, A bill to be entitled "An Act to amend Section 9 of Chapter 65 of the General Laws of the Thirtieth Legislature, entitled 'An Act to define "delinquent child," and to regulate the treatment and control of same'; providing for commitment of delinquent juveniles to the State Institution for the Training of Juveniles; providing procedure; repealing all laws in conflict herewith, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate, with the recommendation that it do pass.

Peeler, Chairman; Stokes, Cofer, Sturgeon, Alexander, Perkins, Bryan.

(Floor Report.)

Austin, Texas, February 16, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Constitu-

tional Amendments, to whom was referred

Senate Joint Resolution No. 6, To amend Article 11, Sections 4 and 5 of the Constitution of the State, authorizing cities and towns within the State of Texas to be incorporated by special act, where the population exceeds 5000 inhabitants,

Have had the same under consideration, and beg leave to report it back to the Senate, with the recommendation that it do pass.

Veale, Cofer, Stokes, Weinert, Perkins, Watson, Masterson.

(Floor Report.)

Austin, Texas, February 16, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Stock and Stock Raising, to whom was referred

House bill No. 112, A bill to be entitled "An Act to amend an act of the Thirtieth Legislature passed at its Regular Session, being Chapter 93 of its Acts, and entitled 'An Act to amend Section 6 of Chapter 102 of the Twenty-sixth Legislature entitled 'An Act to promote agriculture and stock raising, and to prohibit the hunting with firearms or dogs upon the enclosed or posted lands of another in all counties within this State not specially named as exempt from the provisions of this act,'" as amended by the Twenty-sixth Legislature, and as amended by Chapter 71a, General Laws of the Twenty-ninth Legislature; to provide penalties, and with an emergency clause; relating to agriculture and stock raising, so as to place McCulloch and San Saba counties under the operation of such laws,"

Have had the same under consideration, and we report same back to the Senate with the recommendation that it do pass, and that it be not printed.

Adams, Hudspeth, Bryan, Willacy, Real.

(Floor Report.)

Austin, Texas, February 16, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Roads, Bridges and Ferries, to whom was referred

Senate bill No. 166, A bill to be entitled "An Act to create a more efficient road system for Lampasas county, Texas, and making the commissioners of said county ex-officio road commissioners in their respective precincts; defining the pow-

ers and duties of the commissioners court with reference to roads and bridges; providing for the appointment of road overseers, and defining their duties, and providing for and fixing their compensation for certain labor; providing penalties for the violation of this act; giving persons subject to road duty in Lampasas county and persons summoned to work on the public roads of said county the right to be relieved from the discharge of such duty upon the payment of specific sums of money herein stipulated; and providing for the accounting and disposition to be made of the money so paid; providing that delinquent taxpayers shall be subject to three days' road duty; requiring the tax collector of Lampasas county to furnish to the commissioners court a list of all persons who fail to pay their poll tax; providing for the working of county convicts on the public roads of said county; providing for the compensation of road commissioners; providing for an election to be held in said county by the qualified taxpaying voters of said county on petition, to determine whether or not an additional ad valorem tax for road and bridge purposes shall be levied and collected in said county; also giving the commissioners court the power to establish, change, improve or discontinue public roads with or without petition and notice; and providing that this act shall control in Lampasas county in all cases wherein it differs or is in conflict with the general laws on the subject of roads, and making this act cumulative, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and that the bill be not printed.

Greer, Chairman; Peeler, Paulus, Veale, Sturgeon, Perkins, Mayfield, Terrell of McLennan, Senter, Murray.

Committee Room.

Austin, Texas, February 16, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 176, A bill to be entitled "An Act to fix and declare the right of contract in certain cases, and to regulate the making of contracts between publishers of newspapers, periodicals and other publications regularly issued, and railroad, interurban and other transportation companies,"

Have had same under consideration, and I am instructed to report it back to the Senate with the recommendation that it be referred to Committee on Internal Improvements.

MEACHUM, Chairman.

The above report was adopted on motion of Senator Brachfield.

The bill was referred as above requested.

Committee Room,

Austin, Texas, February 16, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 211, A bill to be entitled "An Act to amend Chapter 22 of Title 39 of the Revised Civil Statutes of Texas, relating to citations in the sale of land of executors or administrators of the estates of decedents, and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass.

MEACHUM, Chairman.

Committee Room,

Austin, Texas, February 16, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

Senate bill No. 212, A bill to be entitled "An Act to amend Chapter 5, Title 51 of the Revised Civil Statutes of Texas of 1895, by amending Article 2588, relating to the appointment of guardians and declaring an emergency,"

Have had the same under consideration, and I am instructed to report it back to the Senate, with the recommendation that it do pass.

MEACHUM, Chairman.

Committee Room,

Austin, Texas, February 16, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Judiciary Committee No. 1, to whom was referred

House bill No. 58, A bill to be entitled "An Act to amend Article 1050, and to repeal Article 1051, Chapter 23, Title 27 of the Revised Statutes of Texas,"

Have had the same under consideration, and I am instructed to report it back to the Senate with the recommendation that it do pass, and be not printed.

MEACHUM, Chairman.

(Floor Report.)

Austin, Texas, February 16, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

Senate bill No. 196, A bill to be entitled "An Act creating an independent school district in the county of Gonzales, State of Texas, to be known as the Nixon Independent School District, and to have all the powers, rights and duties of independent school districts formed by the incorporation of towns and villages for free school purposes only,"

Have had the same under consideration and beg leave to report same back to the Senate with the recommendation that it do pass, and be not printed.

Alexander, Chairman; Veale, Brachfield, Sturgeon, Weinert, Hume, Real, Willacy.

(Floor Report.)

Austin, Texas, February 16, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Educational Affairs, to whom was referred

Senate bill No. 210, A bill to be entitled "An Act creating the Pate Independent School District in McLennan county, and defining its boundaries, providing for a board of trustees thereof and defining their powers and authority, and declaring an emergency,"

Have had the same under consideration, and beg leave to report it back to the Senate with the recommendation that it do pass, and the same be not printed.

Alexander, Chairman; Real, Meachum, Sturgeon, Weinert, Hume, Willacy, Brachfield.

Committee Room,

Austin, Texas, February 15, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Committee Substitute Senate bill No. 90, A bill to be entitled "An Act to amend Article 2439 of Chapter 1 of Title 45 of the Revised Statutes of the State of Texas of 1895, in reference to fees of office to be charged and collected by certain State officers, as amended by Chapter 91 of the General Laws of the Regular Session of the Twenty-ninth Legislature, as amended by Chapter 22 of the General Laws of the First Called

Session of the Thirtieth Legislature; prescribing fees to be charged and collected and paid into the State Treasury by the Secretary of State, for the use and benefit of the State, for filing charters of private corporations, and for issuing to foreign corporations permits to do business within this State; for issuing commissions to all officers elected or appointed in this State and requiring every such State, district, county and precinct officer to apply for and receive his commission, and providing that the Secretary of State shall not be required to forward copies of laws to nor attest the authority of any such officer so long as he shall fail or refuse to take out his commission as required by this act; for certified copies of any paper, document or record in his office; for issuing warrants of requisition; for issuing certificates of remission of fines and forfeitures; for issuing other certificates; and declaring an emergency,"

And find the same correctly engrossed.

WARD, Chairman.

Committee Room.

Austin, Texas, February 15, 1909.

Hon. A. B. Davidson, President of the Senate.

Sir: Your Committee on Engrossed Bills have carefully examined and compared

Senate bill No. 189, A bill to be entitled "An Act to create the county court of Tarrant county for civil cases, to fix and prescribe the jurisdiction thereof, and to conform to such change the jurisdiction of the county court of Tarrant county; fixing the salaries of the judges of the county court of Tarrant county and of the county court of Tarrant county for civil cases; providing for the appointment and election of the judges of said court hereby created; providing for the appointment of special judges and filling of said vacancies in said office, and declaring an emergency,"

And find the same correctly engrossed.

WARD, Chairman.

PETITIONS AND MEMORIALS.

By Senator Greer:

Protest from telephone companies of Seventh Senatorial District, against the passage of Senate bills Nos. 93 and 141 and House bill No. 29.

By Senator Meachum:

We, the undersigned, petition you to vote favoring the enactment of a bill which will be presented in the Thirty-

first Legislature, asking that body to submit to a vote of the people at the next regular election the question of a constitutional amendment, allowing any person holding a just and legal claim against another, to garnishee as much as 10 to 25 per cent of any wages of salary that may be due to such debtor by another, to be applied to payment of such claim. This is not intended to work undue hardship on any one indebted, but it is hoped that such a law will have a tendency to educate those contracting debts in Texas to more economic habits and to have a greater regard for truth, honor and fidelity to their fellowman.

Under our present laws, the very nature and construction of which show an unmistakable tendency to shield the "dead beats," and encourage them in defeating payment of their honest debts, one may lend to another his time, knowledge and merchandise, either for profit or without compensation, means with which to shelter, clothe and feed his family, and has no power in any court of Texas by which he can collect for same, where those so accommodated refuse to pay through the operation of these laws, which are the very essence of the basest class legislation, many a fortune has been lost and many a business man censured for failures for which these laws alone are responsible.

Therefore, we petition you not to create a law favoring one class as against another class, but to give us laws of equity between man and man, laws that will reward honesty rather than encourage rascality; in other words, a square deal for all and special privileges for no one.

Numerously signed.

We, the undersigned farmers and taxpayers of Grimes county, hereby protest against the passage of Texas Senate bill No. 11, House bill No. 97, House bill No. 93, Senate bill No. 19, and particularly against the passage of Senate bill No. 9, which provides for an unjust, unreasonable and prohibitive license for itinerant venders of medicines. As free American citizens we wish to be able to purchase goods wherever we please, which would be impossible if this bill were passed. We consider that a license for itinerant venders of medicines, etc., should not exceed \$75.00 per annum in each county and should be payable to the road and bridge fund in the county where the business is transacted.

Numerously signed.

By Senator Adams:

Brady, Texas, January 19, 1909.

Capt. Jno. T. Simpson, Commander Ben McCulloch Camp No. 563:

We, your committee appointed to draft resolutions expressive of our camp's views as to the suggestions of Hon. J. W. Stephens, Comptroller, to Governor Campbell, dated December 14, 1908, make the following report:

We find much merit and patriotism in the suggestions of Comptroller Stephens, unless it is in his first recommendation of reducing the residence of the applicant for pension to five years instead of twenty-eight years, which appears to us to be more charitable than patriotism would suggest. As the State could not afford to be an asylum for all indigent Confederate veterans who may come to the State in anticipation of readily becoming a beneficiary under her generous bounty. But we conceive it the duty of the State to make provision for the indigent immigrant Confederate veteran who came here in their strength to aid in the development of the resources of this great virgin commonwealth; and

Whereas, The State of Texas is the largest in area of any of the ex-Confederate States, has greater resources for population and wealth than any other of said States; and

Whereas, She joined her sister Southern States in the struggle at arms of '61-'65, contending for the principles enunciated in the Constitution, drawn by Thomas Jefferson and John Adams—sovereignty of State rights and local self government; and

Whereas, Said Southern soldiers won the first and last battles fought in said war (the latter having been fought on Texas soil), yet from exhaustion and want of resources such wager of battle was abandoned, but the principles fought for were never surrendered, they still live in the hearts of the people who love freedom and republican forms of government, and will live for ages to come.

The old Constitution of our fathers was perforated by the bullets of the enemy so that it would not be recognized by the framers thereof, but the principles for which we fought were unscathed and still live; and

Whereas, The State of Texas suffered less devastation by the enemy of her property than any of her sister States; that when General Lee evacuated Richmond it was suggested by some of the

cabinet officers that the armies should be joined together, cross the Mississippi into Texas and prolong the struggle or succeed. The great soldier and patriot, Gen. Robert E. Lee, whose birth we are celebrating today, said no—that there had been enough sacrifice of life and destruction of property. What a philanthropic sentiment! and it saved the destruction of lives of Texans and the devastation of the greater part of the State. That while we were defeated by the sword, but not in the principles contended for, hence in defeat there was a victory—swords rust and decay, principles never. Texas shared in this victory, and could afford to be more generous than any of her sister States. Therefore we offer the following resolution:

Be it resolved by Ben McCulloch Camp No. 563, U. C. V., (1) That we commend the suggestions of Comptroller Stephens to Governor Thomas Campbell, of date of December 14, 1908, and request our Senator and Representative to support a resolution to submit an amendment to the Constitution to a vote of the people, covering in substance the recommendations in said communication; (2) That a copy of these resolutions be furnished to both our Senator and Representative of this district.

Respectfully submitted,

A. G. WALKER,
W. T. MILTON,
L. BALLOU,
Committee.

Original Copy.

Attest: L. Ballou,

Adjutant Ben McCulloch Camp No. 563, U. S. C.

Please give these matters attention and oblige the Confederate veterans.

Yours truly,

L. BALLOU.

By Senator Perkins:

Plano, Texas, February 12, 1909.

To the Honorable Tom W. Perkins, Austin, Texas.

Dear Sir: We, the undersigned farmers and taxpayers of Collin county, Texas, hereby protest against the passage of the Texas Senate bill No. 11, House bill No. 97, House bill No. 93, Senate bill No. 19, and particularly against Senate bill No. 9, which provides for the unjust, unreasonable and prohibitive license for itinerant vendors of medicine. As free American citizens we wish to be able to purchase goods wherever we please, and this would be impossible if this bill should become a

law. We think a license for venders of medicines, etc., should not exceed \$100.00 per annum in each county and that the same should be payable to the road and bridge fund of the county where the business is transacted.

D. C. GEORGE,
And 160 other citizens of Collin county.

TWENTY-SEVENTH DAY.

Senate Chamber,
Austin, Texas,
Wednesday, February 17, 1909.

Senate met pursuant to adjournment, Lieutenant Governor A. B. Davidson presiding.

Roll call, quorum present, the following Senators answering to their names:

Adams.	Paulus.
Alexander.	Peeler.
Brachfield.	Perkins.
Bryan.	Real.
Cofer.	Senter.
Greer.	Stokes.
Hayter.	Sturgeon.
Holsey.	Terrell of Bowie.
Hudspeth.	Terrell of McLennan.
Hume.	Thomas.
Kellie.	Veale.
Masterson.	Ward.
Mayfield.	Watson.
Meachum.	Weinert.
Murray.	Willacy.

Absent.

Harper.

Prayer by the Chaplain, Rev. H. M. Sears.

Pending the reading of the Journal of yesterday, on motion of Senator Perkins, the same was dispensed with.

EXCUSED.

On important business:

Senator Thomas for Monday and Tuesday, on motion of Senator Cofer.

JOURNAL CORRECTION.

The Chair (Lieutenant Governor Davidson) on yesterday authorized the appointment of Senator Holsey as an addition to the Committee on State Affairs. The appointment being made without knowledge by the Chair of what was pending before the committee at that time, the same is hereby withdrawn.

BILLS AND RESOLUTIONS.

By Senator Kellie:

Senate bill No. 227, A bill to be entitled "An Act to prohibit the making of political speeches and the discussion of political matters in all public houses of worship commonly called churches; declaring the same to be an offense; fixing a punishment for the violation thereof, and declaring an emergency."

Read first time, and referred to Judiciary Committee No. 2.

By Senator Terrell of McLennan:

Senate bill No. 228, A bill to be entitled "An Act to authorize the commissioners court of the several counties in Texas to refund to holders of unexpired liquor dealers' license and occupation tax receipts revoked by the enactment of Chapter 138 of the General Laws of the Thirtieth Legislature, entitled 'An Act to regulate the sale and disposition of spirituous, vinous and malt liquors,' etc., and to declare valid orders heretofore made by commissioners court for the refunding of such amounts, and also declaring valid and binding on such counties payments already made out of the county treasury of such amounts on account of the refunding of the unexpired portion of such license and tax receipt."

Read first time, and referred to Finance Committee.

By Senator Kellie:

Senate bill No. 229, A bill to be entitled "An Act to regulate the running of street cars, to provide for good comfortable vestibules for the protection of motormen; to provide for running a closed car at certain time of the year; to provide for the use of only such cars as have an aisle through the center; to provide for the use of air brakes on all cars weighing ten tons or more; to make the violation of the provisions of this act an offense, and to fix a penalty therefor, and to repeal all laws in conflict therewith."

Read first time, and referred to Committee on Internal Improvements.

By Senator Ward:

Senate bill No. 230, A bill to be entitled "An Act providing that with the exception of foreign corporations which may be required or whose agents within this State may be required to procure from the Commissioner of Insurance and Banking a certificate of authority to do business within this State, any foreign corporation, as a condition precedent to